



**U.S. Army Corps  
Of Engineers  
Baltimore District**

# Public Notice

**In Reply to Application Number  
CENAB-OP-RMN (MPA/MASONVILLE DMCF) 2006-63743-1  
Modification Request**

**PN-08-67**

**Comment Period: October 8, 2008 to November 8, 2008**

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THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A MODIFICATION TO THE PERMIT WILL BE ISSUED.

The Baltimore District has received a request for a modification to the referenced Department of the Army permit issued on September 13, 2007, which authorized the construction of a Dredged Material Containment Facility, pursuant to Section 10 of the River and Harbor Act and Section 404 of the Clean Water Act.

**APPLICANT:** Maryland Port Administration (MPA)  
c/o Mr. Nathaniel Brown  
Harbor Development  
2310 Broening Highway  
Baltimore, Maryland 21224

**LOCATION:** Patapsco River, at Masonville, Baltimore City, Maryland

**WORK:** The MPA has requested a modification to the referenced Department of the Army (DA) permit to mechanically or hydraulically dredge in the previously-authorized borrow area at the Masonville site to no more than -67 feet below mean low water (MLW), rather than the previously-authorized depth of no more than -60 feet below MLW. This request was made to insure compliance with the terms and conditions of the DA permit should dredging depths inadvertently exceed -60 feet below MLW.

The MPA has also requested a modification to the permit to place dredged and fill material within a 1,037-foot by 253-foot area (approximately 6.023 acres) "wet basin" to the east of the authorized Dredged Material Containment Facility. This area was inadvertently omitted from the plans submitted with the MPA's original application. However, the MPA intended to fill this area as part of the development of the Masonville facility, and the impact of this work was analyzed in the May 2007 Environmental Impact Statement prepared on this project. This acreage was also included in the DA permit as part of the authorization to impact approximately 130 acres of tidal waters, although this approximate 6 acre area was not shown on the authorized plans. The MPA proposes to construct a containment structure, consisting of granular material and stone riprap, at the northern end of the existing "wet basin". This area is to be filled initially to -3 feet MLW using approximately 170,000 cubic yards of material dredged from the aforementioned borrow area, and to a final elevation of +8 feet MLW, using an additional 99,000 cubic yards of material.

Essential Fish Habitat (EFH) Assessment: EFH was addressed in the Environmental Impact Statement prepared on this project, since the EIS did address impacts to the "wet basin" area. The Magnuson-Stevens Fishery Conservation Act (MSFCA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 1999 includes EFH for a number of species in various life stages. This waterway has EFH listed for juvenile and adult windowpane flounder (*Scopthalmus aquosus*), summer flounder (*Paralichthys dentatus*), and bluefish (*Pomatomus saltatrix*); egg, larva, juvenile and adult life stages of king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), and red drum (*Sciaenops ocellatus*). These are managed species under the MSFCA. A preliminary assessment indicates that the work proposed by this modification would not have a substantial adverse effect on either managed species or prey species. Therefore, no additional EFH conservation measures, other than those already included in the issued Department of the Army permit, have been developed for the work proposed in this modification request. As the evaluation of this project continues, additional information may become available which could modify this preliminary determination.

All work is to be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact *Mr. Jon Romeo of this office at (410) 962-6079.*

The decision whether to issue a modification to this permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit modification for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a modification to its water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Maryland Department of the Environment, Nontidal Wetlands Division, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21230-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this request for a permit modification indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

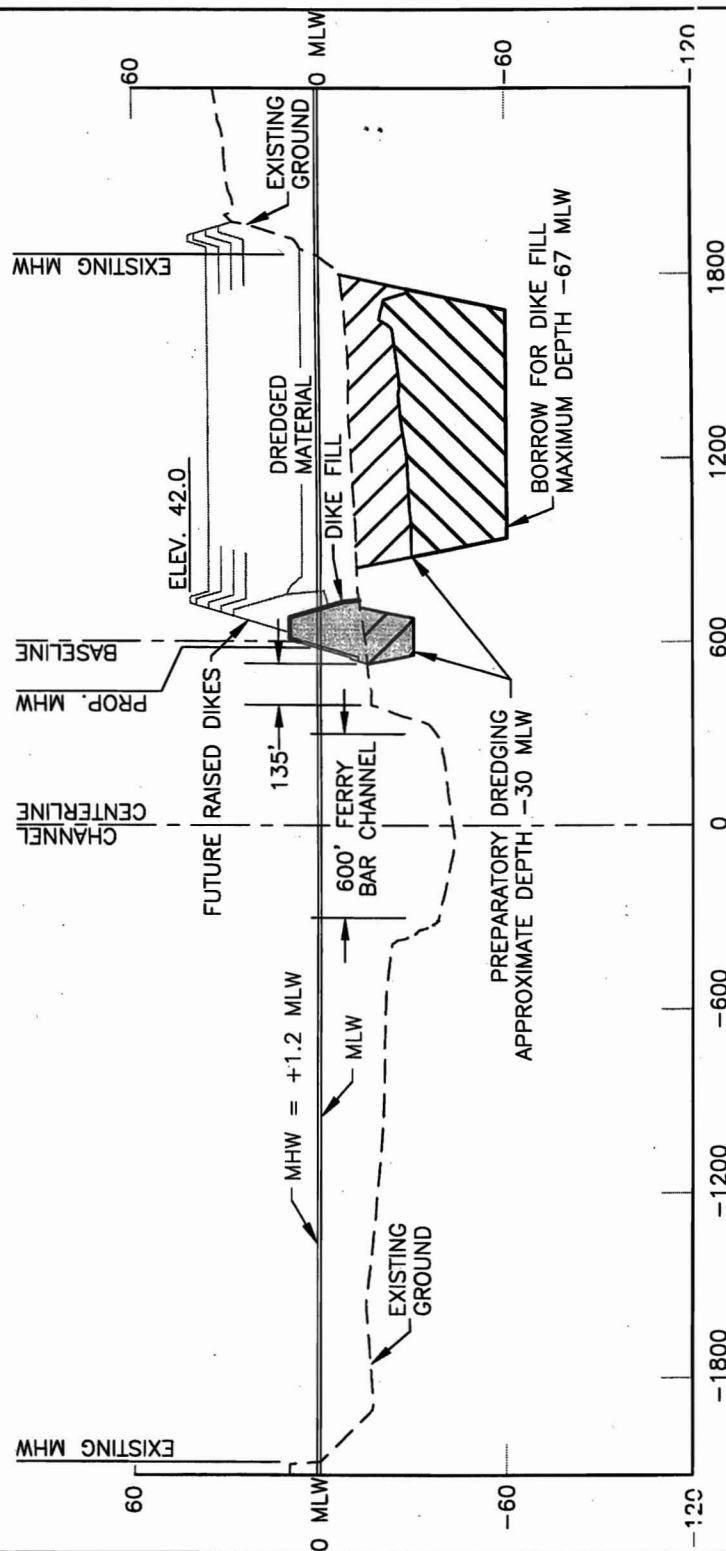
It is requested that you communicated the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:



Joseph P. DaVia  
Chief, Maryland Section Northern





## SECTION A-A

SCALE: 1" = 60' VERTICAL  
1" = 600' HORIZONTAL

NOTE: MHW = +1.2 FEET MLW

APPLICATION BY: MARYLAND PORT  
ADMIN. - HARBOR DEVELOPMENT  
DATE: SEPTEMBER 8, 2008  
DATUM: MEAN LOW WATER (MLW)  
SCALE: AS SHOWN  
DRAWN BY: GAHAGAN & BRYANT ASSOC.

PATAPSCO RIVER  
SECTION A-A  
MASONVILLE DREDGED MATERIAL  
CONTAINMENT FACILITY  
BALTIMORE, MARYLAND

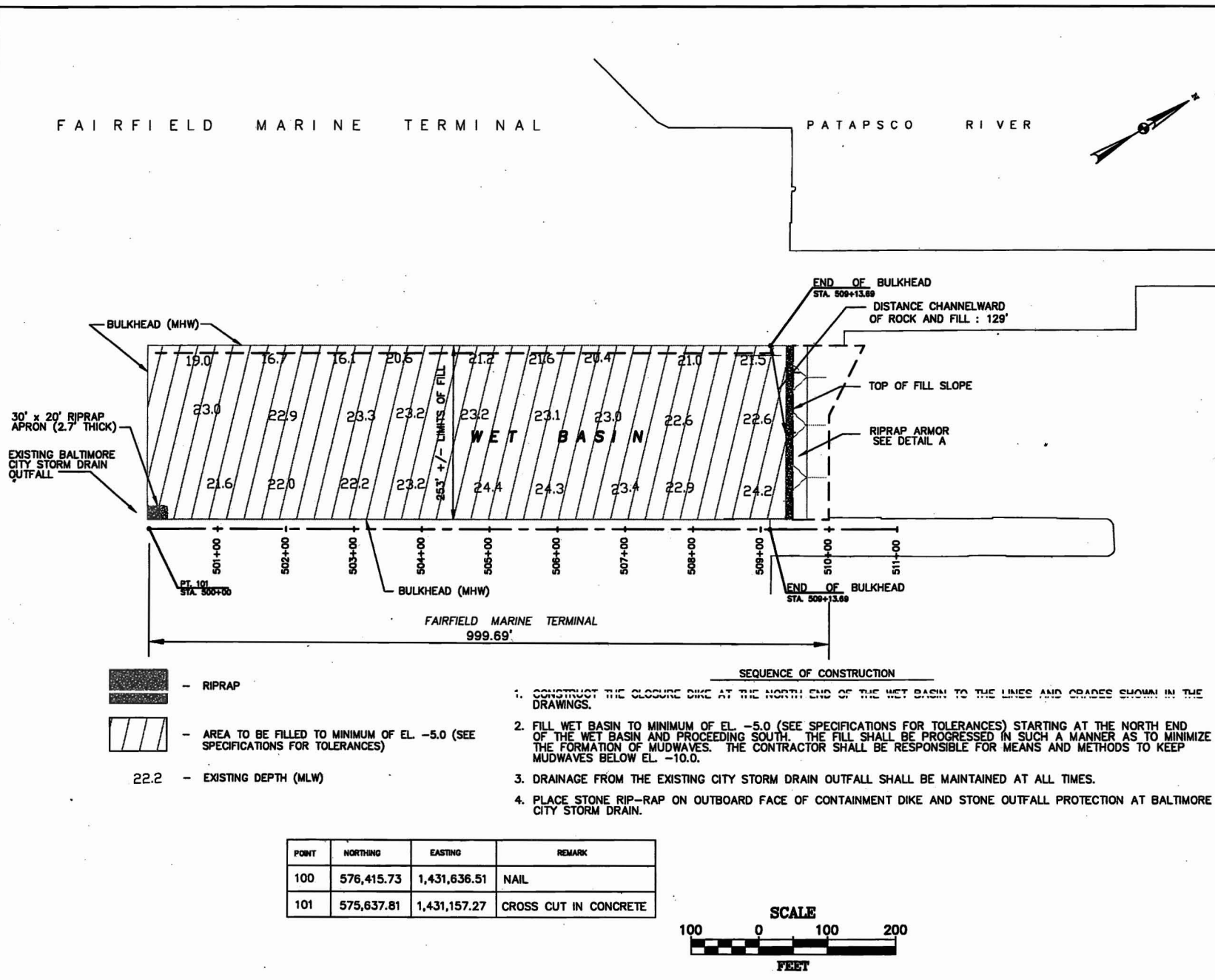
PROPOSED DREDGED MATERIAL  
CONTAINMENT FACILITY  
IN: PATAPSCO RIVER  
AT: BALTIMORE CITY

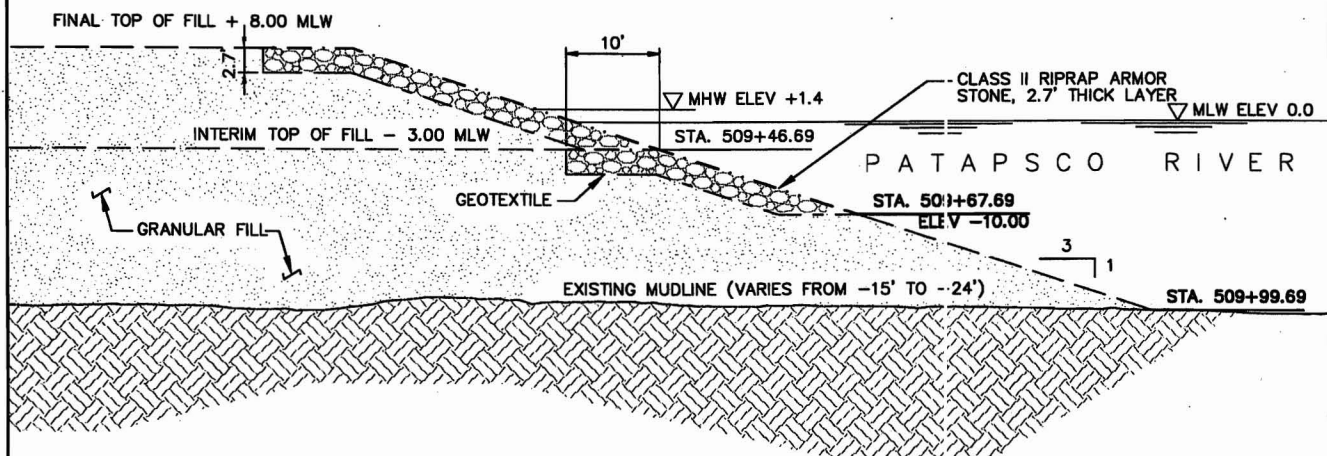
APPLICATION BY: MARYLAND PORT  
ADMIN. - HARBOR DEVELOPMENT  
DATE: SEPTEMBER 8, 2008  
DATUM: MEAN LOW WATER  
SCALE: 1"=200'  
DRAWN BY: MOFAIT & NICHOL

FAIRFIELD WET BASIN INFILL  
MASONVILLE DREDGED MATERIAL  
CONTAINMENT FACILITY  
CLARIFICATION  
BALTIMORE, MARYLAND

PROPOSED DREDGED MATERIAL  
CONTAINMENT FACILITY  
IN: PATAPSCO RIVER  
AT: BALTIMORE CITY

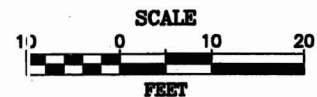
SHEET 13A OF 26





### ROCK ARMORED CONTAINMENT SECTION

SCALE: 1" = 20'



APPLICATION BY: MARYLAND PORT  
ADMIN. - HARBOR DEVELOPMENT  
DATE: SEPTEMBER 8, 2008  
DATUM: MEAN LOW WATER  
SCALE: 1"=20'  
DRAWN BY: MOFFATT & NICHOL

### FAIRFIELD WET BASIN INFILL DIKE TYPICAL SECTIONS

MASONVILLE DREDGED MATERIAL  
CONTAINMENT FACILITY  
BALTIMORE, MARYLAND

PROPOSED DREDGED MATERIAL  
CONTAINMENT FACILITY  
IN: PATAPSCO RIVER  
AT: BALTIMORE CITY

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